

**WIND GAP PLANNING COMMISSION  
29 MECHANIC STREET  
WIND GAP, PA 18091**

MEETING: Thursday, January 8, 2004

MEMBERS: Todd Beil  
Andrew Perrine  
Joan Valley  
Linda Paynter

OFFICIALS: Peter Layman, Esq. Solicitor  
Ronald Madison, Borough Engineer

Todd Beil called the meeting to order at 7:30 p.m. Reorganization of a chairperson for the Commission in the New Year. Linda Paynter nominates Todd Beil as President; Andrew Perrine seconded the motion, all in favor. Joan Valley nominates Andrew Perrine as Vice President; Linda Paynter seconded the motion, all in favor.

Joan Valley makes a motion to approve the minutes from November. Andrew Perrine seconded the motion. All in favor.

**POSH PROPERTIES---CVS / Proposed Dunkin Donuts Land use Land Development.**

Mr. James Preston, is here with Mr. Savio Gentile, P.E. from Pennoni Associates on behalf of Posh Properties. Mr. Preston mentioned that the variances from the Zoning Hearing Board were granted. There were some concerns whether there would be a Baskin Robins opening up also. The hours for Dunkin Donuts were 4:30 AM to 10 PM. The motion was not to accept deliveries for Dunkin Donuts during the hours CVS was open.

Mr. Preston reviews the list of eight (8) waivers:

SALDO 2.1-1 requires a sketch plan submission

SALDO 4-3-1 plans drawn to a certain scale

SALDO 4-3-4.7 permit the developer to show only manmade features shown on plan

SALDO 5-3-3.10 permit the scale shown on the plan

SALDO 6-4-3.5 permit a different curb radius than required

SALDO 6-6-2.1 to permit the driveway to line up immediately opposite Male Road as recommended by PennDOT, rather than to be offset by at least 50 feet from Male Road – Broadway intersection

SALDO 6-7 permits the developer to provide no drainage and utility easement along the side and rear portions of his property

SALDO 7-8-1 waiving the requirement that drill holes be set in the curves on the right-of-way.

Andrew Perrine stated that the CVS and Dunkin Donuts are left open on what ever will be opening with Dunkin Donuts, like a Baskin Robins. Mr. Madison said the applicant might need to go to the Zoning Officer and submit an application for a third use in the future. Mr. Layman asked if there is a Baskin Robins, that they do not except deliveries during CVS's hours. Mr. Posh said yes and that Baskin Robins is not a third use, it is owned by Dunkin Donuts Company and simply an extension. Pete Layman asked Ron Madision if the conditions of the Zoning Board approval are on the plan? Mr. Madision said he believes so that they are listed on the plan. Mr. Layman wants the plan to change and a note added on the plan that Dunkin Donuts or any other delivery to the Dunkin Donut facility. Mr. Madision does not believe the traffic study included the Baskin Robins. Mr. Madison confirmed. Mr. Preston said the Dunkin Donuts is a single use, if they sell cinnamon buns it is still that use. Mr. Layman said the peak hours for selling ice cream are different than that of selling donuts and the traffic flow will be different. Hanover Engineering is satisfied with the revised traffic study.

Todd Beil motions to recommend to council to grant approval on the above waivers to the plan. Linda Paynter seconded the motion. All in favor.

Mr. Madison reviews comments from his January 5, 2004 letter.

Planning commission also recommended to council conditional approval of the plan with ten (10) conditions as follows:

1. Payment of review fees.
2. Compliance with the engineers review letter of January 5, 2004.
3. Submission of an improvements cost estimate by developer's engineer for approval by borough engineer, as required by 5-3-4.2 of the SALDO.
4. Execution by the Developer of an improvements agreement securing the construction of the improvements, prepared by the Borough Solicitor, as required by 5-3-4.2 of the SALDO.
5. The developer is to enter into Utility Service Agreements with the applicable water and sewer providers (Pennsylvania-American Water Company and the Wind Gap Municipal Authority, respectively) providing water and sewer service to the site, as required by 4-3-5.3, 6 and 7 of the SALDO.
6. Final review and approval by the Lehigh Valley Planning Commission of the Developer's submission under Act 167.
7. A not is to be added to the plan that all deliveries to the building labeled "Proposed Dunkin Donuts" occur during hours when CVS is not open. (It was a condition of the Zoning Hearing approval that all deliveries by Dunkin Donuts occur when CVS is not open. However, the Planning commission was concerned that there may be a co-location of another restaurant with Dunkin donuts-such as Baskin Robins-and wanted the notes on the plan to be clear that any deliveries to the building, no matter which business existed in the building, would occur during the hours CVS is not open.)
8. The developer is to provide Construction maintenance Easement agreements executed by adjoining property owners James and Judith Renaldi and Raymond Cortazzo creating a 10 foot wide construction and maintenance easement on both property owners' property, as shown on the Plan. Said easement agreements are to be in a form acceptable to the Borough Solicitor.
9. The Developer agrees to fund as part of the Improvements Agreement (prepared by the Borough Solicitor and required by 5-3-4.2 of the SALDO) the inspection and certification of the Developer's retaining walls by an independent professional engineer.
10. A four-foot stockade fence is to be erected along the retaining wall on the North side of the Developer's property wherever the height of that wall exceeds two feet.

Mr. Posh and Mr. Preston state that all of the conditions are acceptable but the one about the four-foot stockade fence. Joan Valley asked if there is a drop off after the buffer. Mr. Posh stated there is a three-foot drop. Mr. Preston said it is unfair at this point to propose new conditions.

Joan Valley motions to recommend to Council to approve final plan with conditions Mr. Layman put forward and on recommendations on the fence.

There was a discussion about the requirements of the traffic impact study. Todd asked if Posh

would have to go back to Zoning. Mr. Blick the Zoning Officer would have to determine if the uses for the Baskin Robins are within the uses permitted or he might say this is a different type of product, he would have to make that determination not us. The only reason he might not, is if this is a modification of the facts that the zoning hearing board relied on to make their determination.

Linda Paynter seconded the motion. Todd Beil opposed. Motion carries, 3-1.

### **Gassler –Land Development**

Mr. Kirk Croasmun, P.E. is here from Schoor De Palma Inc. to represent the Borough on behalf of Mr. Gassler. Mr. Croasmun combined an engineer letter from August 2002 with his current letter, to show where his comments are coming from. Mr. Layman stated that tonight starts the 90-day review timetable. Mr. Gassler agreed. Mr. Croasmun explains the plan.

Mr. Andrew Perrine is employed by the PLCB (Pennsylvania Liquor Control Board) and he believes he is excluded to cast any votes, but he can sit at the table and ask questions. There would be a conflict of interest. Mr. Gassler stated the R-8 medium density, he had it re-zoned a couple of years ago the whole property is located in a Commercial district.

Mr. Kirk Croasmun reviews from his January 5,2004 letter:

#### Zoning Comments

- 1—The minimum lot area should be referenced on the plan.
- 2—This was done. The property was re-zoned.
- 3—This comment was done.
- 4 Mr. Croasmun asked about the buffering. Mr. Gassler states he feels he does not need any buffer, this is next to the Ealey's bathtub outfitters and the other side of that is Jade's Lounge.
- 5 The Zoning Officer will need to determine if a variance is required for multiple uses, if this is a non-conforming use since this has an existing tavern and two (2) dwellings or subdivide the property. Mr. Gassler will need to get an opinion from Zoning Officer John E. Blick. Mr. Gassler asked if this is grand fathered. Mr. Layman suggests speaking to the Zoning Officer. Mr. Layman asked to have all uses shown on the plan.
- 6—This is a Zoning issue this is customary to make the offer of dedication of additional right-of-

way on 512. The ordinance does require this. Mr. Layman asked the Commission if 40 feet from the centerline is wide enough.

**7**—the plan should show existing trees. Two trees are not shown on any other plan sheet, these trees should clarify the disposition.

**8**—the applicant shall provide documentation which indicates that the proposed site improvement to be constructed in compliance with Section 507 of the Zoning Ordinance and PADEP Regulations. Plan Note 3 on Sheet 1 of 5 states " all Site activities shall comply with Section 507 of the zoning Ordinance.these should be monitored by the Zoning Official.

**9**—the plan should be revised to show the floodplain boundaries per FEMA. Section 507 requires proof that the proposed structure will not increase the 100-year flood level by more than one (1) foot. Mr. Gassler provided a FEMA application and approval he has a permit.

**10**—the plan has been revised to show the existing soul boundaries. A copy of the Army corps wetland report should be submitted as part of this application. As the existing pond is to be enlarges, all applicable permits must be obtained from PADEP. We should get a copy of the permit.

**11** Section 601.B, of the Zoning Ordinance the plan should be revised to show the location of any proposed signs for the new tavern along with associated details. Mr. Gassler will put a sign up when he puts up the tavern. Mr. Layman said a sign permit must be obtained from the Zoning Officer.

**12**—the plan has been revised to include parking calculations showing compliance with this requirement.

**13**—the plan has been revised to show four (4) handicap spaces.

**14**—the plan must be revised to show, the details on the handicap spaces signs, striping and dimensions on the handicap spaces. Mr. Bartleson asked if this should be addressed under the zoning or under a land development? Mr. Layman stated that this is normal to have this done on the plan.

**15**—Section 703 D 4 in the Zoning Ordinances. It appears the proposed northern entrance is within 30 feet of the intersection of Broadway and Park Avenue. The entrance should be relocated further from this intersection. The plan should be revised to provide clear sight triangles at both proposed entrances. In addition, PADOT approval is required for the proposed entrances along SR 512. Our Zoning requirement is 30 feet and, PennDot might want something different.

**16**—Section 703 F.1 of the Zoning Ordinance any parking area designed to se by 4 or more cars

after dusk shall be adequately illuminated. The plan has been revised to include a note stating, "All parking lot electrical lighting shall comply with IES standards maintaining a minimal lighting coefficient of 1.0 foot candles throughout the parking area." The plan should indicate the photometrics for the proposed lights along with associated details and specifications. Mr. Bartleson said he does not know where the lighting will be going. On the plan would be a good time to address the parking lot lighting.

**17** The plan has been revised to provide a 10 foot wide planting strip measured from the existing right-of-way line of Broadway. This strip may need to be revised depending on the location of the ultimate right-of-way. Todd asked if there any paper or ordained streets. Mr. Gassler said not ordained, paper alleys.

**18** The plan has been revised to provide an off-street loading entrance. The applicant should comment on the anticipated loading area.

### SALDO Comments

**1** in accordance with Section 4-3-2, the sheet dimensions should be: 18" x 24", 24" x 36" or 36" by 48". The plan sheets are 30 inches by 42 inches. The sheet size must be revised or the applicant must obtain a Waiver.

**2** Section 4-3-4.3 the preliminary plan shall show the name, address, license number and seal of the registered landscape architect, planner, architect, and surveyor or engineer responsible for the plan. The plan has been revised to include a signed seal. The plan should also include the name, address and license number of the person/firm responsible for preparing the plan.

**3** Section 4-3-4.4 the preliminary plan shall include a key map at a scale no smaller than 1 inch equals 1,000 feet and showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries. This plan should be revised, or request a Waiver.

**4** Section 4-3-4.5 the plan shall include a tax map, block and lot numbers within the proposed subdivision tract, where recorded: the zoning District or Districts within which the proposed subdivision is located and adjacent properties: existing land use shall also be shown for adjacent properties. The plan has been revised to show the Zoning District Boundary between the "C and "R-8" Districts. The plan should show the parcel boundaries and land uses on the adjacent properties, or request a Waiver. Mr. Layman said there should be parcel boundaries. Also, if this is one big lot, then a statement saying that the plan merged all the tax parcels into one, and if there are existing tracks that should be shown also.

Mr. Beil was informed if we want to get on \$168,000.00 wish list, we would need an estimate on how much it will cost to update the our SALDO. We would need a letter to Ron requesting an estimate to update the SALDO.

Linda Paynter motion to table Gassler Land Development plan and Joan Valley seconded the motion. All in favor.

On motion, by Joan Valley to adjourn the meeting, seconded by Linda Paynter, meeting adjourned at 10:05 pm.

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Mildred Del Negro  
Recording Secretary

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